

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Timothy O’Neal,

Petitioner,

v.

S. Jansen, Warden,

Respondent.

C/A: 1:23-cv-6177-SAL

**ORDER**

Petitioner Timothy O’Neal, proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 when he was housed at the Federal Correctional Institution – Edgefield in Edgefield, South Carolina. Since filing this action, Petitioner has been transferred to FCI – Oakdale. This matter is before the court on the Report and Recommendation (the “Report”) issued by United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending this case be transferred to the Western District of Louisiana. [ECF No. 11.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 4. Plaintiff has not filed objections. Instead, he has indicated that he agrees with the Report, and he asks that his case be transferred. *See* ECF Nos. 18, 19.

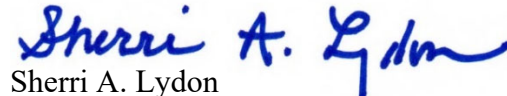
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to,

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 11, and incorporates the Report by reference herein. As a result, this matter is **TRANSFERRED TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA.**

**IT IS SO ORDERED.**

April 17, 2024  
Columbia, South Carolina

  
Sherri A. Lydon  
United States District Judge